function of the court in deciding the guilt or innocence of the prisoner. Many distinguished lawyers hold that a private attorney is not justified in refusing to defend merely because of his personal conviction that his would-be client is guilty, since that is a question for the court to decide. Such reasoning should apply with more force to a public officer of this character.

True to the style of the enthusiastic reformer, Mr. Goldman writes rather contemptuously of the "cure-alls" urged as substitutes for the Public Defender plan. To the reviewer it seems that Mr. Goldman may be living in a glass house, for he evidently claims more advantages for his plan than he is justified in doing.

In August of last year the Institute of Criminal Law and Criminology recommended a committee to consider the question of the Public Defender. The report of this committee will be well worth reading.

A. E. HOWARD, JR.

International Realities. By Philip Marshall Brown, Professor of International Law at Princeton University. Published by Charles Scribner's Sons, New York. 1917. Pp. xi, 233.

This is an exceedingly suggestive and stimulating work. In its preface the author tells us that he has set himself "the task of endeavoring to ascertain the fundamental values in international relations," and he frankly expects that "the points of view advanced will be subjected to considerable criticism." "I feel," he adds, "that I shall have accomplished my purpose, however, if discussion shall have been provoked."

In Chapter I, entitled "International Realities," which contains a candid examination of the principles lying at the base of international law, our author tells us that "the basic principle which establishes judicial precedents and crystallizes international law as a science is that the interests of nations must be mutually respected because of what Gareis well terms 'anticipated advantages of reciprocity as well as fear of retaliation.'" "This powerful sanction, this compulsive force of reciprocal advantage and fear of retaliation, is nothing else in its essence than the Golden Rule as formulated by Thomasius: 'Do unto others for thine own sake what thou wouldst that others should do unto thee, and, in so doing, accept a law from which thou canst not escape.'" While appreciating, to the full, the merits of Thomasius as one

of the great lights of jurisprudence in the late seventeenth century, we prefer the Golden Rule as recorded by Saint Matthew and Saint Luke. The only safe rule for nations, as for individual men, would seem to be found in an ideal in which self-seeking is not the final cause.

In the interesting chapter on "Nationalism," our author tells us that "the United States, owing to its peculiar constitution, is not able effectively to safeguard the rights of aliens as guaranteed by treaties and international law"; but the United States Supreme Court has amply demonstrated the power of the government to protect aliens fully. Cf. *Truax and the Attorney General of the State of Arizona v. Raich* (1915) 239 U. S. 33. While as to the treaty-power, the same court, in the early days of its existence, took occasion in the case of *Ware v. Hylton* (1796) 3 Dall. (U. S.) 199, to lay down a constitutional principle from which it has not departed. The question at issue was the force of the treaty of peace with Great Britain as against a state law sequestering debts due British subjects. Mr. Justice Wilson said:

"But even if Virginia had the power to confiscate, the treaty annuls the confiscation. The fourth article is well expressed to meet the very case; it is not confined to debts existing at the time of making the treaty, but is extended to debts heretofore contracted. It is impossible by any glossary, or argument, to make the words more perspicuous, more conclusive, than by a bare recital. Independent, therefore, of the constitution of the United States, which authoritatively inculcates the obligation of contracts, the treaty is sufficient to remove every impediment founded on the law of Virginia. The state made the law; the state was a party to the making of the treaty; a law does nothing more than express the will of a nation; and a treaty does the same."

In Chapter III we have a vigorous discussion of "The Rights of States." Professor Brown, in commenting on the vexed question of sovereignty and adverting to the cases of Cuba, Panama, and Egypt, thinks that "to speak of any of these states as 'half-sovereign' is to render the theory of sovereignty ridiculous." But while admitting the force of our author's criticisms, it is difficult to perceive how some of the lesser states can be better characterized; indeed, the French term *mi-souverain* and the German *halbsouveräne* have obtained a firm position in the

literature of the subject, as is well illustrated, as to the latter, in Professor Liszt's standard work *Das Völkerrecht* (ed., 1910) p. 51.

Chapter IV on "The Limitations of Arbitration" calls attention to the weakness of arbitration under circumstances often of the deepest importance. We think, nevertheless, that Professor Brown somewhat underrates the power of arbitration itself. When employed with the right spirit behind it, it would seem of incalculable value and destined to be adopted in coming times as an indispensable factor in maintaining world-peace.

In the chapter on "International Administration," attention is called to the many forms in which international action is "essentially administrative"—as in the universal postal union, the telegraphic union, the international union for the protection of industrial property, etc.

Chapter VII on "The Dangers of Pacifism" acutely analyses the tendencies comprehended in this term. In Chapter IX on "Democracy and Diplomacy," Professor Brown doubts "the desirability for us of having a permanent, classified, diplomatic service, offering, as the army and navy, a life career"; but he thinks "that a classified, permanent, diplomatic service—at least at the present stage of the country's development—is decidedly unwise and undesirable." We are inclined to think that our author's views would not find confirmation in the experience, for example, of such a country as France, where in a government assuredly of the people diplomatic service offers an attractive life career to men of the best abilities. In our own case, it would seem that an expected permanency in service would greatly enhance the attractions of diplomacy to men of ability.

Professor Brown's concluding chapter on "The Substitution of Law for War" treats a great subject in a clear and interesting fashion, and his book has much value at such a time as the present when the fundamentals of international law can not be too widely examined and discussed.

GORDON E. SHERMAN.

A Treatise on The American and English Workmen's Compensation Laws. By Arthur B. Honnold. Published by Vernon Law Book Company, Kansas City, Mo. 1917. 2 Vols. Pp. xxii, 1905.

So rapid has been the spread of the theory that society and not the individual shall pay the cost of industrial accidents that